

## **Letter of Intent and Regulatory Support Meeting Environmental Responsibilities DOE Pantex Plant, Amarillo, Texas**

The objective of this letter is to establish regulatory support for an accelerated approach at Pantex.

This letter outlines general commitments to principles that will ensure success of the accelerated approach if implemented. The DOE, Texas Natural Resource Conservation Commission (TNRCC), and U.S. Environmental Protection Agency (EPA), Region 6, are collectively committed to accelerating remedial activities of soil and groundwater contamination at the DOE Pantex Plant in Amarillo, Texas. When completed, the accelerated investigation and remediation will result in reduced risk from Pantex Plant's contaminated sites sooner, thereby allowing the National Nuclear Security Administration (NNSA) to focus on its core national security mission.

In light of the benefit from the proposed accelerated cleanup of Pantex, the undersigned have established several commitments accelerating completion of remedial activities and resulting in the implementation of long-term environmental stewardship (post-closure care) by 2008 rather than the currently proposed date of 2015.

### **Key Commitments to Ensure Success of the Proposed Accelerated Approach**

All parties commit to the following in order to achieve accelerated cleanup of the Pantex Plant while adhering to all statutes and regulations for protection of human health and the environment:

1. Accelerate the remediation of groundwater and soil contamination through a focused evaluation of *existing* data for *groupings* of solid waste management units established by the Pantex Core Team, a partnering group with representatives from DOE, BWXT (site contractor), TNRCC, and EPA. The Core Team has agreed to:
  - a. Further combine those groupings of 144 solid waste management units under two Waste Management Areas, each with distinct contaminants and exposure pathways. Final investigation reports, risk assessments, and recommendations for closure will be per Waste Management Area, minimizing the administrative constraints of "per unit" multiple reports and closures, while continuing to reduce risk.
  - b. Complete the conceptual site models for each Waste Management Area, further defining the surface to ground water pathway for contaminants of concern and providing a roadmap to expedited closure.

**Letter of Intent and Regulatory Support  
May 2002**

- c. Identify remaining data needs necessary for completion of investigation and remediation, and identify those field activities that are no longer necessary for site investigation.
  - d. Develop likely response actions utilizing the conceptual site models; and implement closure strategies developed in conjunction with the public participation process required by rule and statute;
  - e. Prioritize on a risk basis; and parallel remaining site work to complete investigations by May 2005, and complete final remedial actions by FY2008. Prioritized work will be given to the highest risk situations, such as the offsite groundwater contamination; and
  - f. Eliminate regulatory review of draft reports, draft work plans or unnecessary documents. To maximize regulatory resources, reviews are to be conducted only on those documents where a regulatory decision is required and where a final decision will be issued by the regulatory agency (e.g., final investigation reports, final baseline risk assessments).
2. Establish a level of funding commensurate with the increased resources needed to support the proposed accelerated cleanup;
3. Define regulatory endpoints:
- a. Identify and eliminate duplication of effort in addressing the similar statutory requirements of the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Pantex Plant is a joint jurisdiction facility, subject to remediation under both statutes.
  - b. Identify regulatory performance standards (e.g., groundwater, engineering controls measures, risk) that are necessary to protect human health and the environment.
  - c. Implement and maintain institutional controls, and environmental monitoring as part of the long-term environmental stewardship program developed in coordination with the TNRCC, EPA and the surrounding community.

**Letter of Intent and Regulatory Support**  
**May 2002**


- d. Ensure the data quality objectives support the decision making process; and,
  - e. Outline the statutory and regulatory requirements for a RCRA Compliance Plan so that the facility may easily transition from investigation and remediation to long-term environmental stewardship (post-closure care).
- 4. Continue the established partnerships between DOE, its contractor(s) and the regulators to:
  - a. Ensure continued management support for the accelerated approach to achieve the desired results; and,
  - b. Support a Core Team and Focus Group to streamline decision-making on key technical, administrative and legal issues with the goal being to assure that all statutory and regulatory requirements are met;
- 5. In coordination with the regulatory agencies, establish a prioritized time line to conduct technical and regulatory reviews of critical decision-making documents. The agreed upon review time line and review period will maximize the use of regulatory resources and promote efficient and timely regulatory decisions to be executed on the project. Regulatory resources will define the time line and review period; and,
- 6. Support public participation consistent with current initiatives and the requirements of law and regulation.


DOE and its contractors, in coordination with the TNRCC and EPA, will develop a performance management plan by August 2002 to establish the path forward to accomplish the proposed accelerated approach using the above key elements. The performance management plan will include: investigation actions; investigation, assessment and implementation time frames; environmental restoration milestones; regulatory milestones; business processes, and an acquisition strategy, to achieve the proposed accelerated approach and implement long-term environmental stewardship. The DOE Environmental Management Office recognizes that adequate funding commensurate with the approved performance plan is necessary to achieve the above stated goals of acceleration and completion.


Our commitments herein to accelerate risk reduction and cleanup activities do not bind the undersigned to activities inconsistent with the legal mandates and regulatory requirements of

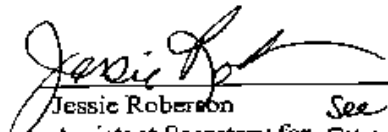
Letter of Intent and Regulatory Support  
May 2002

each organization. However, the undersigned are committed to the acceleration of risk reduction and the completion of the environmental cleanup program at Pantex, while at the same time ensuring the health of site workers and the public. We will continually seek and adopt additional opportunities, including innovative and cost effective cleanup approaches, that further advance the remediation in a safe, protective and cost effective manner.

  
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Texas Natural Resource Conservation  
Commission

  
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U.S. Environmental Protection Agency Region 6

  
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*See attached  
Signature Sheet #2*